

KAPLAN HECKER & FINK LLP

350 FIFTH AVENUE | 63RD FLOOR
NEW YORK, NEW YORK 10118

1050 K STREET NW | SUITE 1040
WASHINGTON, DC 20001

TEL (212) 763-0883 | FAX (212) 564-0883

WWW.KAPLANHECKER.COM

DIRECT DIAL 212.763.0884

DIRECT EMAIL rkaplan@kaplanhecker.com

January 27, 2022

VIA ECF

The Honorable Norman K. Moon
United States District Court
Western District of Virginia
255 West Main Street
Charlottesville, VA 22902

Re: *Sines, et al. v. Kessler, et al.*, No. 3:17-cv-0072 (NKM) (JCH)

Dear Judge Moon:

We write on behalf of Plaintiffs in the above-captioned action to oppose Defendant Christopher Cantwell's motion to extend all post-trial deadlines by 12 months, ECF 1528, and to respectfully request that the Court adhere to the deadlines set forth in its January 10, 2022 order, ECF 1523.

As the Court well knows, at the outset of the trial in this case, and for the very reasons Mr. Cantwell now raises in his motion, Plaintiffs offered to sever their "claims against Mr. Cantwell from their claims against the other Defendants in this case." ECF 1305. Specifically, in response to Mr. Cantwell's repeated complaints about his lack of access to resources as a result of his incarceration, Plaintiffs offered to pursue their claims separately against Mr. Cantwell in a trial that "could potentially take place after [he] is no longer incarcerated." *Id.* The Court clearly expressed its willingness to sever Plaintiffs' claims against Mr. Cantwell, stating: "Mr. Cantwell, the Court is willing to sever the case and allow you the time you want for your case." Oct. 25, 2021 Trial Tr. at 10:15-16. But Mr. Cantwell rejected the offer of Plaintiffs and this Court, and instead opted to proceed with the case "as it [was]." *Id.* at 10:23-24.

Put simply, Mr. Cantwell expressly declined three months ago the very postponement that he now seeks. Moreover, as the Court indicated during trial, Mr. Cantwell's decision to oppose severance obviated the prejudice that might have otherwise resulted from his incarceration. *See* Nov. 2, 2021 Trial Tr. at 14:13-15. Accordingly, Mr. Cantwell should not now be permitted to make Plaintiffs wait an additional year for judgment to be entered in this case – a case which has been ongoing for well over four years – based on an argument that he waived three months ago.

Respectfully submitted,



Roberta A. Kaplan

KAPLAN HECKER & FINK LLP

2

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Alexandra K. Conlon (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
gtenzer@kaplanhecker.com
aconlon@kaplanhecker.com

Karen L. Dunn (*pro hac vice*)
Jessica Phillips (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Arpine S. Lawyer (*pro hac vice*)
Matteo Godi (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006-1047
Telephone: (202) 223-7300
Fax: (202) 223-7420
kdunn@paulweiss.com
jphillips@paulweiss.com
wisaacson@paulweiss.com
alawyer@paulweiss.com
mgodi@paulweiss.com

Makiko Hiromi (*pro hac vice*)
Nicholas A. Butto (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3000
Fax: (212) 757-3990
mhiromi@paulweiss.com
nbutto@paulweiss.com

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahil@cooley.com

Alan Levine (*pro hac vice*)
Philip Bowman (*pro hac vice*)
COOLEY LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 479-6260
Fax: (212) 479-6275
alevine@cooley.com
pbowman@cooley.com

David E. Mills (*pro hac vice*)
Joshua M. Siegel (VSB 73416)
Caitlin B. Munley (*pro hac vice*)
Samantha A Strauss (*pro hac vice*)
Alexandra Eber (*pro hac vice*)
Daniel Philip Roy, III (*pro hac vice*)
Allegra Flamm (*pro hac vice*)
Gemma Seidita (*pro hac vice*)
Khary Anderson (*pro hac vice*)
COOLEY LLP

KAPLAN HECKER & FINK LLP

3

1299 Pennsylvania Avenue, NW Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Fax: (202) 842-7899
dmills@cooley.com
jsiegel@cooley.com
cmunley@cooley.com
sastrauss@cooley.com
aeber@cooley.com
droy@cooley.com
aflamm@cooley.com
gseidita@cooley.com
kjanderson@cooley.com

J. Benjamin Rottenborn (VSB 84796)
WOODS ROGERS PLC
10 South Jefferson St., Suite 1400
Roanoke, VA 24011
Telephone: (540) 983-7600
Fax: (540) 983-7711
brottenborn@woodsrogers.com

Counsel for Plaintiffs

KAPLAN HECKER & FINK LLP

4

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2022, I served the following via ECF:

Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
isuecrooks@comcast.net

James E. Kolenich
Kolenich Law Office
9435 Waterstone Blvd. #140
Cincinnati, OH 45249
jek318@gmail.com

*Counsel for Defendants Jason Kessler, Nathan
Damigo, and Identity Europa, Inc. (Identity
Evropa)*

Bryan Jones
106 W. South St., Suite 211
Charlottesville, VA 22902
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill, Michael
Tubbs, and League of the South*

Joshua Smith
Smith LLC
807 Crane Avenue
Pittsburgh, PA 15216-2079
joshsmith2020@gmail.com

*Counsel for Defendants Matthew Parrott,
Traditionalist Worker Party and Matthew
Heimbach*

David L. Campbell
Justin Saunders Gravatt
Duane, Hauck, Davis & Gravatt, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
dcampbell@dhdglaw.com
jgravatt@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

William Edward ReBrook, IV
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
edward@rebrooklaw.com

*Counsel for Defendants Jeff Schoep, National
Socialist Movement, Nationalist Front, Matthew
Parrott, Traditionalist Worker Party and Matthew
Heimbach*

KAPLAN HECKER & FINK LLP

5

I hereby certify that on January 27, 2022, I also served the following via mail and electronic mail:

Richard Spencer
richardbspencer@icloud.com
richardbspencer@gmail.com

Christopher Cantwell
Christopher Cantwell 00991-509
USP Marion, 4500 Prison Rd.
P.O. Box 2000
Marion, IL 62959

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

Robert "Azzmador" Ray
azzmador@gmail.com

Elliott Kline a/k/a Eli Mosley
eli.f.mosley@gmail.com
deplorabletruth@gmail.com
eli.r.kline@gmail.com



Roberta A. Kaplan (*pro hac vice*)

Counsel for Plaintiffs